

**From:** [Tina Laidlaw](#)  
**To:** [Suplee, Mike](#)  
**Cc:** [eurban@mt.gov](mailto:eurban@mt.gov)  
**Subject:** Downstream Protection Language and Misc. Items  
**Date:** 09/19/2012 09:29 AM

---

Mike,

I checked with HQs on the draft rule language re. protection of downstream uses. As a result of the Region's conversation with HQs, we have the following suggested edits for your consideration. Please let me know if you have any questions.

**Suggested Edits on Downstream Use Protection:** "Within and among the geographic regions or watersheds listed, base numeric nutrient standards of the downstream reaches and lakes will continue to be maintained by limiting nutrient loadings as necessary from the contributing upstream waterbodies. Where possible, modeling and/or other methods such as regression between upstream and downstream nutrient concentrations will be utilized to determine the limitations required to provide for the attainment and maintenance of water quality standards of downstream waters."

When you are around in October, here's "my list" of follow-up items I wanted to chat about, many of which were identified in the NSTEPS review comments or are ones that we have briefly discussed. I would hope to make sure we're on the same page with these items before the draft rules are finalized. Let me know if you have any questions/ concerns. Otherwise, I'll look forward to chatting in October.

Tina

**Follow-up Items:**

- \* Criteria for the River Breaks area -- issues/ options
- \* Chlorophyll-a as assessment indicator but in rule -- options
- \* Use of the effect size in addition to the 20% exceedance frequency
- \* Rockies criteria - follow-up on reviewer comments
- \* Status of other TSD documents (e.g., Flathead, Yellowstone)
- \* DEQ plan for addressing other reviewer comments
- \* Other changes to rule language

Tina Laidlaw  
USEPA Montana Office  
10 West 15th Street, Suite 3200

Helena, MT 59626  
406-457-5016